

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

LOIDY TANG, individually and on behalf of a	)	
class,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 11-C-2109
	)	
MEDICAL RECOVERY SPECIALISTS, LLC,	)	
d/b/a MRS, d/b/a MRSI and d/b/a MEDICAL	)	Magistrate Judge Schenkier
RECOVERY SPECIALISTS, INC.	)	
	)	
Defendant.	)	
	)	

**NOTICE OF FILING**

Defendant MEDICAL RECOVERY SPECIALISTS, LLC, hereby notifies this Court that it has transmitted the appropriate notice required by 28 U.S.C. §1715, a copy of which are attached as Exhibit A.

/s/ James C. Vlahakis  
Counsel for Defendant

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# **EXHIBIT A**

# HINSHAW

& C U L B E R T S O N L L P

June 7, 2012

United States Attorney General  
U. S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Illinois Attorney General  
500 South Second Street  
Springfield, Illinois 62706

**ATTORNEYS AT LAW**

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**Re: Loidy Tang v. Medical Recovery Specialists, LLC, No. 11-C-2109, U.S.  
District Court, Northern District of Illinois, Eastern Division**

To Whom It May Concern:

I am counsel for Defendant Medical Recovery Specialists, LLC in the above action which is pending in the United States District Court for the Northern District of Illinois before the Honorable Magistrate Judge Sidney Schenkier. Pursuant to 28 U.S.C. § 1715(b), I am writing to provide you with notice of a proposed class settlement in this lawsuit.

Plaintiff Loidy Tang filed the above Lawsuit, as amended, on behalf of herself and a class in the United States District Court for the Northern District of Illinois, Eastern Division (the "Lawsuit"), against Defendant Medical Recovery Specialists, LLC, d/b/a MRS, d/b/a, d/b/a MRSI, and d/b/a Medical Recovery Specialists, Inc. For the purposes of this letter, the Amended Complaint alleged violations of the Fair Debt Collection Practices Act. A copy of the operative Amended Complaint is at docket no. 60. Plaintiff alleged that Defendant left the following prerecorded voice message:

This is an important message for [electronically generated name]. If this is not [electronically generated name] please hang up or delete this message. If this is [electronically generated name] please remain on the line. There will now be a three second pause. By continuing to listen to this message you acknowledge that your are [electronically generated name]. This is **MRS** calling on behalf of our client concerning you outstanding balance in an attempt to collect a debt and any information obtained will be used for that purpose. To pay this outstanding balance by Visa, Master Card or Check please use our auto-payment system by following the prompt provided. Should you have any questions and or concerns please call us at, toll-free at [877-263-6752]. When calling please reference MRS file number [electronically generated file number]. Again the number to call is toll-free at [877-263-6752]. Please reference **MRS** file number [electronically generated file number]. Good bye. [bold emphasis supplied]

Plaintiff alleged that Defendant violated 15 U.S.C. §§ 1692d(6) and (e)(14) of the FDCPA because the message only informed the recipient that the message was from "MRS." Defendant denied violating the FDCPA. Defendant estimates that 56,182 persons within the 773 area code

received the above form message. We can provide you with the names of the putative class members upon your request.

At arms' length, the parties negotiated a proposed settlement that covers the following class:

All natural persons with a telephone number corresponding to the 773 area code that was called by Defendant on a date from March 25, 2010 to March 25, 2011, where Defendant left a prerecorded message in the form of the message Plaintiff received.

A hearing for preliminary approval of the class settlement was held on May 29, 2012. See Dkt. no. 93 (retrievable at <https://ecf.ilnd.uscourts.gov/>). The court preliminarily approved a cash class settlement fund of \$86,000, of which \$40,000 would be made available for class members who submitted claims forms – the remainder being set aside to cover costs of notice. The court also approved a \$1,000 award to Plaintiff. Finally, the court approved \$21,500 in attorney's fees and costs for class counsel. The court further found that the proposed *cy pres* distribution of any remaining settlement funds to two local hospital charities was reasonable. The parties chose the two hospitals because the underlying debts were medical related and the area code for the class was within the service area of the hospitals. The two hospitals will each receive a 1/3<sup>rd</sup> share of any remaining settlement funds. The court also approved of a 1/3<sup>rd</sup> reversion of funds to Defendant.

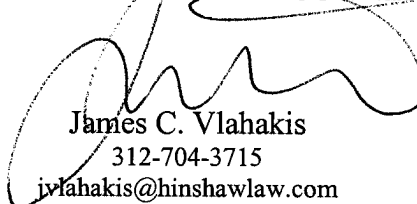
The settlement agreement, the proposed full and summary notices and the proposed final approval order can be found at docket no. 88. Notice will be sent to the class members via U.S. Mail. A website will be set up to display the full notice and to administer class claims.

A final approval hearing is scheduled for August 27, 2012 at 9:00 a.m. before Magistrate Judge Schenkier at 219 S. Dearborn, Chicago, IL, courtroom 1700.

If you have questions regarding terms of this settlement, please contact me.

Sincerely,

HINSHAW & CULBERTSON LLP



James C. Vlahakis  
312-704-3715  
jvlahakis@hinshawlaw.com

RN

Enclosures

cc: counsel of record w/o enclosures

**CERTIFICATE OF SERVICE**

I hereby certify that on June 7, 2012, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing(s) to the following to all counsel of record.

Respectfully submitted,

By: /s/ James Vlahakis

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